

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

FERNANDO ANTONIO VIOLENUSELLIS
Debtor(s).

**CASE NO.: 3:14-bk-01480
CHAPTER 13**

FERNANDO ANTONIO VIOLENUSELLIS
Plaintiff (s)

Adv. No. 3:14-ap-00151

v.

**NATIONAL CITY MORTGAGE n/k/a
PNC FINANCIAL SERVICES and
BANK OF AMERICA N.A.**
Defendant(s).

ORDER GRANTING DEBTOR'S MOTION FOR SUMMARY JUDGMENT

This proceeding came before the Court upon Motion for Summary Judgment filed by Plaintiff. Defendant did not file a response to the Motion. Plaintiff filed this adversary proceeding on April 14, 2014. On April 15, 2014, the Court entered an Order as to Preparation, Service and Return of Process and Establishing Motion Hearing Procedures (the "Standing Order"). Paragraph 5 of the Standing Order provides that "[a]ll written motions filed in this proceeding (including motions for summary judgment, but excluding motions to withdraw the reference as to which Local Rule 5011-1 applies) will be heard and determined on the papers without hearing or oral argument unless specifically ordered by the Court. Paragraph 5(b) of the Standing Order provides that "[n]o later than fourteen (14) days from the date of service of a motion, each party opposing the motion shall file and serve a legal memorandum or brief containing argument and citations of authorities in opposition to the relief requested. In the event no such response is filed, the court may deem the motion as unopposed and thereby consented. The parties should not expect the Court to conduct a hearing prior to ruling on any pending motions." IT is therefore ORDERED:

1. Debtors' motion is GRANTED
2. Bank of America's lien, as recorded in the Duval County Public Records on October 25, 2007, Official Records Book 14242, page 2223, on the property located at 8550 Argyle Business Loop, Unit 904, Jacksonville, Florida, 32244 with a legal description of:

UNIT 904, THE COTTAGES AT ARGYLE, A CONDOMINIUM, TOGETHER WITH
AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT

THERETO ACCORDING TO THE DECLARATION OF CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS VOLUME 13516 PAGE 1605 AND AS AMENDED IN OFFICIAL RECORDS VOLUME 13541, PAGE 969, OFFICIAL RECORDS VOLUME 13582, PAGE 550 OFFICIAL RECORDS VOLUME 13631, PAGE 1639, OFFICIAL RECORDS VOLUME 13675, PAGE 2364, OFFICIAL RECORDS VOLUME 13739, PAGE 984, AND OFFICIAL RECORDS VOLUME 13804, PAGE 1436 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. TAX ID #100705-3138

is here by stripped upon entry of this Order.

3. This lien being null and void is contingent upon the Debtor receiving a discharge in this case.

4. If the case is dismissed, Bank of America's lien will be reinstated to its prepetition status.

5. Within thirty (days) of the debtor receiving his discharge, Bank of America shall file a satisfaction of lien with the Duval County Clerk's Office

Dated this 22 day of September, 2014 in Jacksonville, FL



JERRY A. FUNK
United States Bankruptcy Judge

Attorney Donald M. DuFresne is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of this order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 8052